

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID COLLINS,
Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,
Defendant.

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: CIVIL ACTION
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: NO. 2:09-cv-01824-WY
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Order

AND NOW on this 10th day of December, 2009, upon consideration of the motion for partial summary judgment (Docket No. 8) of defendant, Allstate Insurance Company, and plaintiff's opposition thereto, **IT IS HEREBY ORDERED** that:

- (1) Allstate's motion is **DENIED** as to Count I;
- (2) Allstate's motion is **DENIED** as to Count II without prejudice to Allstate's right to renew the motion within 30 days after the parties have completed discovery as to Count II limited to depositions of representatives of Allstate; and
- (3) plaintiff will have 45 days from the date of this order to take such depositions.

s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge